

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAVIER NUNEZ,

Plaintiff,

-against-

MARK SILBER,

Defendant.

1:25-CV-3879 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated June 18, 2025, and entered on June 23, 2025, the Court construed Plaintiff’s previously filed motions in this action (ECF 1:25-CV-3879, 7, 8) as seeking relief under Rule 60(b) of the Federal Rules of Civil Procedure with respect to the dismissal and filing injunction imposed on Plaintiff in *Nunez v. Fraser*, 1:23-CV-0625 (LTS) (“*Nunez I*”), as well as relief under Rules 59(e) and 60(b) of those same rules (“Rule 59(e)” and “Rule 60(b)”) with respect to the dismissal of this action (“*Nunez II*”) (ECF 10). The Court also construed one of those motions (ECF 1:25-CV-3879, 7) as seeking, in this action, *Nunez II*, an extension of time to file a notice of appeal under Rule 4(a)(5) of the Federal Rules of Appellate Procedure (ECF 10). The Court denied those motions and warned Plaintiff that his continued filing of frivolous and/or otherwise nonmeritorious documents in *Nunez I* and/or *Nunez II* may result in the Court directing him to show cause why the Court should not bar him from filing any future documents in *Nunez I* and/or *Nunez II* without the court’s leave to file. (*Id.*)

On the same dates that the previous order was filed and entered in this action, June 18, 2025, and June 23, 2025, Plaintiff’s “motion for reconsideration pursuant to Rule 60(b)” was filed and entered. (ECF 9.) In that motion, Plaintiff, who appears *pro se*, seems to again seek relief under Rules 59(e) and 60(b) with respect to the dismissal of this action. (*Id.*) The Court

denies that relief for the same reasons it denied Plaintiff's previous requests for such relief in its June 18, 2025 order. (*See* ECF 10, at 3-6.)

The Court again warns Plaintiff that his continued filing of frivolous and/or otherwise nonmeritorious documents in this action may result in the Court directing him to show cause why the Court should not bar him from filing any future documents in this action without the court's leave to file.

The Court certifies, under 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and, therefore, *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to terminate ECF 9.

SO ORDERED.

Dated: June 30, 2025
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge